

**Notice of Allowability**

Application No.

09/467,418

Applicant(s)

HILPERT JR ET AL.

Examiner

KIEU-OANH T. BUI

Art Unit

2611

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to communication filed on 03/10/2005.
2. ☒ The allowed claim(s) is/are 1-5, 7, 9-14, 16, 18-23, 25 and 27.
3. ☒ The drawings filed on 20 December 1999 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

### EXAMINER'S AMENDMENT

1. Authorization for this examiner's amendment was given in a telephone interview with Mr. Craig Yudell on June 24, 2005.

2. An examiner's amendment to the record appears below (because claims 6, 8, 15, 17, 24, and 26 were previously canceled, and dependent claims are referred to these canceled claims). Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. The application has been amended as follows:

In claim 7, please change —The method of claim 6—into —The method of claim 1--.

In claim 9, please change —The method of claim 6—into —The method of claim 1--.

In claim 16, please change —The system of claim 15—into —The system of claim 10--.

In claim 18, please change —The system of claim 15—into —The system of claim 10--.

In claim 25, please change —of claim 24—into —of claim 19-- instead.

In claim 27, please change —of claim 24—into —of claim 19-- instead.



Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

## DETAILED ACTION

### *Allowable Subject Matter*

1. Claims 1-5, 7, 9-14, 16, 18-23, 25, and 27 are allowed.

### *Reasons for Allowance*

2. The following is an examiner's statement of reasons for allowance:

Regarding claims 1, 10, and 19, the closest prior art issued to Kumar fails to teach or suggest a method and system of disseminating information by *forming one or more category frames containing data for user-selectable categories, and forming a metaframe for identifying the user-selectable categories of concern, and the method of transmitting broadcast information including the metaframe and one or more category frames in sequence on a common transmission media shared by multiple users, wherein the transmission of meta frame is performed in repetitive succession in one or more continuous cycles on a first frequency and the transmission of subsets of the one or more category frames is performed in repetitive succession in one or more other frequencies and not on the first frequency.*

As set forth in 35 U.S.C. 103(c), a patent or other publication is disqualified as a reference in a rejection under 35 U.S.C. 103(a) if (1) the application was filed after November 29, 1999, (2) the reference is prior art under 35 U.S.C. 102(e), (f) or (g), (3) the reference was invented by a different inventive entity, (4) the reference is owned by the same entity as the rejected application. Kumar and the present application are commonly owned to assignment IBM at the time the invention was made, and Kumar does not support the present rejection of the pending claims.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

**3. Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 872-9306, (for Technology Center 2600 only)

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant, can be reached on (571) 272-7294.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'K. Bui', with a long horizontal flourish extending to the right.

Kieu-Oanh Bui  
Primary Examiner  
Art Unit 2611

KB  
July 01, 2005